

Serial No. 10/823,138

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### REMARKS

Examiner Johnson has rejected the originally filed claims 1, 2, 9 and 10 of the present application. For the reasons which follow, applicant respectfully traverses this rejection of the Examiner. The applicant does, however, wish to extend appreciation to Examiner Johnson for the quite detailed review of the claims of the present invention leading to the finding of patentable subject matter of the originally filed claims of the present application and an indication of the allowability of claims 3-8 if rewritten.

The specification, claims and abstract have been amended in a manner believed desired by the Examiner. Thus, it is respectfully submitted that the objection to the disclosure and claims has been overcome. Favorable reconsideration is respectfully requested.

Claim 6 has been rewritten into independent form. Although not including all of the limitations of base claim 1, it is believed that claim 6 as amended recites the subject matter recognized to be patentable by Examiner Johnson and is in condition for allowance. Such favorable action is respectfully requested.

It is respectfully requested that the Examiner identify what element in Jones and/or Kish corresponds to the rails of claim 2 as originally filed. However, in a spirit of conciliation to advance prosecution of the present application, claim 2 has been amended to further define the present invention in a manner to distinguish over the prior art. Thus, it is respectfully submitted that the rejection of claim 2 has been overcome for this separate and independent reason.

Further, claim 2 as originally filed has been placed in independent form as claim 13 and amended to further define the present invention in a manner to distinguish over the prior art. Thus, it is respectfully submitted that claims 13-21 are in condition for allowance for the same and similar reasons as set forth for claims 2 and 6.

The Examiner has cited the United States patents listed in NOTICE OF REFERENCES CITED as C-G and I. By the lack of application of these references and others like them within the classes or subclasses searched, the Examiner apparently recognizes the clear patentability of the present invention over any of these references.


Therefore, since the claims of the present application have been shown to include limitations directed to the features of applicant's adjustable curtain assembly in permeability to light which are neither shown, described, taught, nor alluded to in any of the references cited by the Examiner, whether those references are taken singly or in any combination, the Examiner is

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requested to allow claims 1, 2 and 4-21, as amended, of the present application and to pass this application to issue.

Respectfully submitted,

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